

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/20/2023
--

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
U.S. SPECIALTY INSURANCE COMPANY,	:	
	:	
Plaintiff,	:	
-against-	:	
	:	23-CV-8250 (VEC)
	:	
CERTAIN UNDERWRITERS AT LLOYD’S	:	<u>ORDER</u>
LONDON SUBSCRIBING TO POLICY NO	:	
10268L170237,	:	
	:	
Defendants.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 19, 2023, Plaintiff filed a Complaint against Defendants  
Certain Underwriters at Lloyd’s London Subscribing to Policy No. 10268L170237, Dkt. 1;

WHEREAS Plaintiff alleges that this Court has subject matter jurisdiction in this matter  
based on diversity, *id.* ¶ 7;

WHEREAS, “[a]s an unincorporated business organization, Lloyd’s has the citizenship of  
each of its members,” so “diversity turns on the citizenships of . . . the unidentified  
underwriters.” *Prime Prop. & Cas. Ins. Inc. v. Elantra Logistics LLC*, No. 20 CIV. 5737 (JPC),  
2021 WL 4066737, at \*2–3 (S.D.N.Y. Sept. 7, 2021) (citing *E.R. Squibb & Sons, Inc. v. Lloyd’s  
& Cos.*, 241 F.3d 154 (2d Cir. 2001)); *see also Chase Manhattan Bank, N.A. v. Aldridge*, 906 F.  
Supp. 870, 872 (S.D.N.Y. 1995) (“The citizenship of a Lloyd’s syndicate is measured by the  
citizenship of the individual [underwriters] who are responsible for their proportional share of  
the specific insurance in question.”);

WHEREAS a complaint premised upon diversity of citizenship must allege the  
citizenship of each underwriter subscribing to a Lloyd’s policy, *see Prime Prop. & Cas. Ins. Inc.*,

2021 WL 4066737, at \*3 (dismissing the complaint without prejudice where the plaintiff “has not sufficiently pleaded diversity” of the individual underwriters”);

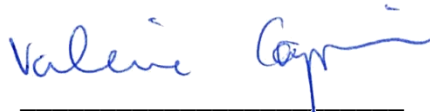
WHEREAS the Complaint alleges that, “[u]pon information and belief, Defendant, Certain Underwriters at Lloyd’s London Subscribing to Policy No. 10268L170237, is comprised of members of individual syndicates subscribing to Policy No. 10268L170237 and whose principal place of business is located in London, United Kingdom,” *see* Dkt. 1 ¶ 6; and

WHEREAS the Complaint made no allegations as to the citizenship of the members of said Defendant; and

IT IS HEREBY ORDERED that, by no later than **Wednesday, October 4, 2023**, Defendants must file an Amended Complaint that cures the deficiencies described herein or the matter will be dismissed without prejudice for lack of subject matter jurisdiction.

**SO ORDERED.**

**Date: September 20, 2023**  
**New York, New York**

  
\_\_\_\_\_  
**VALERIE CAPRONI**  
**United States District Judge**